

## **REMARKS**

### **I. Introductory Remarks**

This is a full and timely response to the outstanding final office action mailed April 15, 2010. Claims 7-8, 15-18, 24-26, 29-46, and 53 are now pending in this application. Claims 7, 31 and 45 are independent. Claims 7, 31, 33, 45 and 53 have been amended, claims 9 and 48-52 have been canceled, and no claims have been canceled by this Amendment.

No new matter is involved with any claim amendment, which have been made solely in response to the Examiner's indication of allowable subject matter in order to allow passage of the application to issue.

### **II. Entry of the After-Final Amendment is Proper**

The present amendment merely amends the claims to be in condition for allowance based upon the Examiner's indication of allowable subject matter. Accordingly, entry of the Amendment after Final Rejection and passage of the application to issue are respectfully requested.

### **III. Indefiniteness Rejection of Claims 7-9, 24-25, 29-30, 33, 48-49 and 51 under 35 U.S.C. § 112, ¶2**

Withdrawal of the rejection of claims 7-9, 24-25, 29-30, 33, 48-49 and 51 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, is requested. Although these claims as previously presented are believed to be clear and definite to a person of ordinary skill in the art, in an effort to expedite prosecution of the application, claims 7, 33, and 51 have been amended in a manner that is believed to overcome the stated bases for rejection.

Claims 48-49, and 51 have been canceled by way of incorporation into their respective independent claims in a way that avoids the previously-asserted bases for indefiniteness and in reliance upon the Examiner's indication of allowable subject matter.

Accordingly, consideration and allowance of pending claims 7-8, 15-18, 24-26, 29-46, and 53 in this application are respectfully requested.

**IV. Unpatentability Rejection of Claims 7, 8 and 24 under 35 U.S.C. § 103(a) over Factor in View of Strom**

Withdrawal of the rejection of claims 7, 8 and 24 under 35 U.S.C. §103(a) as allegedly being unpatentable over “JavaSplit: A Runtime for Execution of Monolithic Java Programs on heterogeneous collections of Commodity Workstations” by Factor, et al. (“Factor”) in view of “Concurrency Control and View Notification Algorithms for Collaborative Replicated Objects” by Strom, et al. (“Strom”) is requested.

Claim 7 has been amended to incorporate the allowable subject matter of claims 48 and 49, thus rendering the rejection moot.

**V. Unpatentability Rejection of Claim 9 under 35 U.S.C. § 103(a) over Factor and Strom, Further in View of Scales**

Withdrawal of the rejection of claim 9 under 35 U.S.C. §103(a) as allegedly being unpatentable over Factor and Strom, Further in View of U.S. Patent No. 5,802,585 to Scales, et al. (“Scales”) is requested. Claim 9 has been canceled, thus rendering its rejection moot.

**VI. Unpatentability Rejection of Claims 15-18, 26, 31-32, 34-37 and 39-44 under 35 U.S.C. § 103(a) over Factor in View of Strom, and Scales, and Further in View of Strom and May**

Withdrawal of the rejection of claims 15-18, 26, 31-32, 34-37 and 39-44 under 35 U.S.C. §103(a) as allegedly being unpatentable over Factor in view of Strom and Scales, further in view of U.S. Patent No. 6,574,674 to May, et al. (“May”) is requested.

Independent claim 31 has been amended to incorporate the allowable subject matter of claim 52, thus rendering the rejections moot. Allowance of claims 15-18, 26, 31-32, 34-37 and 39-44 is therefore requested.

**VII. Unpatentability Rejection of Claim 33 under 35 U.S.C. § 103(a) over Factor Strom, Scales, and May Further in View of Lejeune**

Withdrawal of the rejection of claim 33 under 35 U.S.C. §103(a) as allegedly being unpatentable over Factor, Strom, Scales and May, further in view of U.S. Patent No. 6,101,527 to Lejeune, et al. (“Lejeune”) is requested.

Independent claim 31 has been amended to incorporate the allowable subject matter of claim 52, thus rendering the rejection of claim 33 moot.

**VIII. Unpatentability Rejection of Claims 25 and 29-30 under 35 U.S.C. § 103(a) over Factor and Strom, Further in View of Buhlman**

Withdrawal of the rejection of claim 25 and 29-30 under 35 U.S.C. §103(a) as allegedly being unpatentable over Factor and Strom, further in View of U.S. Patent No. 6,862,608 to Buhlman, et al. (“Buhlman”) is requested.

Independent claim 7 has been amended to incorporate the allowable subject matter of claim 49, thus rendering the rejection moot.

**IX. Unpatentability Rejection of Claim 38 under 35 U.S.C. § 103(a) over Factor, Strom, Scales and May, Further in View of Chan**

Withdrawal of the rejection of claim 38 under 35 U.S.C. §103(a) as allegedly being unpatentable over Factor, Strom, Scales and May, further in view of U.S. Patent Application Publication No. 2003/0028364 to Chan, et al. (“Chan”) is requested.

Independent claim 31 has been amended to incorporate the allowable subject matter of claim 52, thus rendering the rejection of claim 38 moot.

**X. Unpatentability Rejection of Claims 45 and 46 under 35 U.S.C. § 103(a) over May in View of Factor and Strom**

Withdrawal of the rejection of claims 45 and 46 under 35 U.S.C. §103(a) as allegedly being unpatentable over May in view of Factor and Strom is requested.

Independent claim 45 has been amended to incorporate the allowable subject matter of claims 50 and 51, thus rendering the rejection of claims 45-46 moot.

**XI. Allowable Subject Matter**

Applicant notes with appreciation the indication that claims 49 and 51-53 are drawn to allowable subject matter, and would be allowed if rewritten in independent form, and to overcome any indefiniteness rejection.

In reliance upon the indication of allowable subject matter, the allowable subject matter of dependent claim 49 has been incorporated into independent claim 7; the allowable subject

matter of dependent claim 52 has been incorporated into independent claim 31; and the allowable subject matter of dependent claim 51 has been incorporated into independent claim 45.

Applicant has amended claims 7, 31, and 45, and cancelled claims 9 and 48-51 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the examiner. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

## **XII. Conclusion**

All rejections having been addressed, Applicant submits that each of pending claims 7-8, 15-18, 24-26, 29-46, and 53 in the present application is in immediate condition for allowance. An early indication of the same would be appreciated.

In the event the Examiner believes that an interview would be helpful in resolving any outstanding issues in this case, the Undersigned Attorney is available at the telephone number indicated below.

For any fees that are due, including fees for excess claims and/or extensions of time, please charge Deposit Account Number 03-3975 under Order No. 032199-0384097 from which the Undersigned Attorney is authorized to draw. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

**Due Date: July 15, 2010**

Respectfully submitted,

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